

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO.: 5:14-CV-005-RLV-DCK**

DEREK S. BRADSHAW,

Plaintiff,

v.

NANCY A. BERRYHILL¹,
ACTING COMMISSIONER
OF SOCIAL SECURITY,

Defendant.

ORDER

THIS MATTER IS BEFORE THE COURT on Plaintiff's "Consent Motion For Fees Pursuant To The Equal Access To Justice Act 28 U.S.C. § 2412(d)(1)(A)" (Document No. 27) filed April 18, 2017. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion, the record, and noting consent of Defendant's counsel, the undersigned will grant the motion.

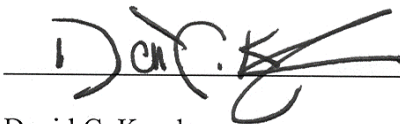
IT IS, THEREFORE, ORDERED that Plaintiff's "Consent Motion For Fees Pursuant To The Equal Access To Justice Act 28 U.S.C. § 2412(d)(1)(A)" (Document No. 27) is **GRANTED**, to the extent that the Court will award attorney fees in the amount of \$6,500.00, and that pursuant to Comm'r of Soc. Sec. v. Ratliff, 560 U.S. 596 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner will

¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Acting Commissioner Carolyn W. Colvin as the defendant in this suit. No further action needs to be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

determine whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff's counsel. If the United States Department of the Treasury reports to the Commissioner that the Plaintiff does not owe a federal debt, the government will exercise its discretion and honor an assignment of EAJA fees, and pay the awarded fees directly to Plaintiff's counsel. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

SO ORDERED.

Signed: April 26, 2017

A handwritten signature in black ink, appearing to read "D.C. Keesler", is written over a horizontal line.

David C. Keesler
United States Magistrate Judge

